

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

BRENT E. GRAY,	:	
	:	NO. 1:04-CV-00548
Plaintiff,	:	
	:	
	:	<b>ORDER</b>
v.	:	
	:	
	:	
UNITED STATES POSTAL SERVICE,	:	
	:	
Defendant.	:	

This matter is before the Court on the Report and Recommendation in which the assigned Magistrate Judge recommends that Defendant's unopposed Motion for Summary Judgment (doc. 18) and that this matter be terminated upon the docket (doc. 20). The Parties were served with the Report and Recommendation and were therefore afforded proper notice of the Magistrate Judge's Report and Recommendation required by 28 U.S.C. § 636(b)(1)(C), including that failure to file timely objections to the Report and Recommendation would result in a waiver of further appeal. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). Neither Party filed any objections thereto within the ten days provided for by Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1)(C). Pursuant to 28 U.S.C. §636(b), the Court has reviewed the Report and Recommendation de novo.

The Magistrate Judge reports that on June 14, 2005, Defendant filed a Motion for Summary Judgment, to which Plaintiff

did not respond (doc. 20). The Court then issued an Order on July 20, 2005, directing Plaintiff to show cause in writing within fifteen days of the date of said Order why Defendant's Motion for Summary Judgment should not be granted and this matter dismissed (doc. 19). Plaintiff did not respond within the fifteen days (doc. 20).

Although the Plaintiff has not responded to the Defendant's Motion for Summary Judgment, the Magistrate Judge aptly notes that "a district court cannot grant summary judgment in favor of a movant simply because the adverse party has not responded. The court is required, at a minimum, to examine the movant's motion for summary judgment to ensure that he has discharged [his initial] burden." Stough v. Mayville Cmty. Schs., 138 F.3d 612, 514 (6th Cir. 1998) quoting Carver v. Bunch, 946 F.2d 451, 455 (6th Cir. 1991). The Magistrate Judge continues, discussing appropriately the standard pursuant to which a motion for summary judgment may be granted (doc. 20). As the Magistrate Judge discusses this standard accurately and thoroughly, the Court need not repeat that standard in this Order. The Magistrate Judge concludes, applying the standard to the facts and law of this case (Id.). Ultimately, as noted above the Magistrate Judge recommends that Defendant's Motion be granted. (Id.).

The Court finds the Magistrate Judge's Report and Recommendation well-reasoned and thorough. Accordingly, the

Magistrate Judge's Report and Recommendation (doc. 20) is hereby  
ADOPTED IN ITS ENTIRETY. The Defendant's Motion for Summary  
Judgment (doc. 18) is GRANTED. This matter is hereby DISMISSED.

SO ORDERED.

Dated: March 28, 2006

s/S. Arthur Spiegel  
S. Arthur Spiegel  
United States Senior District Judge